

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 9TH OCTOBER 2006 / 17TH ASWINA 1928

Bail Appl..No. 5698 of 2006()

CRIME NO.8/2005 OF VANCHIYOOR POLICE STATION

PETITIONER/ACCUSED:

1. SIVASANKAR, S/O. SIVAN PILLAI,
T.C.29/840, NADAKKAVU VEEDU, NALUMUKKU,
PALKULANGARA, THIRUVANANTHAPURAM.
2. THANUMALAYAN,
S/O. MANIKKAVASAKAM PILLAI, DO. DO.

BY ADV. SRI.SAJU.S.A

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09/10/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

J.M.JAMES, J.

B.A. No. 5698 of 2006

Dated this the 9th day of October, 2006

O R D E R

The petitioners 1 and 2, are before this Court under Section 438 Cr.P.C.

2. When the application came up for consideration, the learned Public Prosecutor submitted that the second petitioner is not an accused in Crime No.8/2005 of Vanchiyoore Police Station. However, the prosecution submits that the first petitioner, Sivasankar, S/o.Sivan Pillai, is arrayed as accused in the above said crime. The offence alleged against the first petitioner, the first accused as well as another, Nanappan, S/o.Ganeshan Pillai, is under Sections 351, 442, 324 and 326 I.P.C, read with Section 34 of the Indian Penal Code. There is a fracture on the right ring finger of the de facto complainant, because of the assault by the accused, with a key. The prosecution also submitted that the investigation is complete and final report has already been filed, and the matter is

pending as C.C.No.506/2005, on the file of Additional Chief Judicial Magistrate Court, Thiruvananthapuram.

3. In the above fact situation, I direct the first petitioner to appear before the Additional Chief Judicial Magistrate Court, Thiruvananthapuram, in C.C.No.506/2005, on 16/10/2006, at 11 a.m. The learned Magistrate shall consider the applications of both sides and pass appropriate orders on the same day itself.

4. As the second petitioner is not arrayed as an accused in Crime No.8/2005 of Vanchiyoore Police Station, his prayer for a pre-arrest order, is hereby rejected.

The application is disposed of as above.

(J.M.JAMES)
Judge

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